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February 13, 2020

VIA ECF

Honorable Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: *HSBC Bank USA, N.A. v. Paks Holdings LLC, et al.*
Case No. 19-Civ. 10193 (PGG)

Judge Gardephe:

The parties submit this joint letter pursuant to the Notice of Pretrial Conference [D.E. 4] in the above-referenced case and in advance of the Pretrial Conference scheduled on February 20, 2020 at 10:30 a.m.

I. Brief Description of the Case

Plaintiff, HSBC Bank USA, N.A. ("HSBC") brought this action in New York state court seeking damages under two promissory notes and four unconditional guarantees and for reformation of certain loan documents. Specifically, HSBC seeks to reform certain loan documents to correct a scrivener's error and mutual mistake of the parties that caused the borrower to be identified as Paks Holding LLC instead of Paks Holdings LLC. HSBC also seeks to recover principal, interest, and late charges in excess of \$500,000 due under a term note and principal and interest in excess of \$350,000 due under a demand note. This case was removed to this Court by Defendants, Paks Holdings LLC and Patricia Riccardi on November 1, 2019. Paks Holdings LLC and Patricia Riccardi filed their Answer and Affirmative Defenses [D.E. 8] asserting that Mrs. Riccardi did not authorize the loan documents at issue in the litigation. Mrs. Riccardi contends that it is not her signature that appears on the loan documents.

The Clerk of Court entered a Certificate of Default against, Defendant, Anthony Riccardi, on December 11, 2019.

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II. Contemplated Motions

HSBC contemplates filing a motion for default judgment against Mr. Riccardi and a motion for summary judgment against Paks Holdings LLC and Patricia Riccardi.

III. Prospect for Settlement

At this time, HSBC and Patricia Riccardi and Paks Holdings LLC believe the prospect for settlement is low. The parties have not been able to confer with Anthony Riccardi regarding the prospects for settlement.

IV. Case Management Plan

A proposed Case Management Plan is attached hereto as **Exhibit A**. The parties are not in agreement regarding the Case Management Plan. Defendants, Patricia Riccardi and Paks Holdings LLC, request that each of the deadlines in the Case Management Plan be extended by thirty (30) days. On the other hand, HSBC would ask that the Court enter the Case Management Plan as drafted. The dates in the proposed Plan utilizes the dates recommended by the Court.

Respectfully submitted,

/s/ David Shufrin, Esq.

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